



**Fw: Response to 10/27/2010 email**  
**Carol Campbell to: Penney Trujillo**

Libby 041

1258946 - R8 SDMS

12/06/2010 01:49 PM

please print

Carol L. Campbell, Assistant Regional Administrator  
Office of Ecosystem Protection and Remediation  
United States Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, Colorado  
80202

303-312-6340 (W)  
303-312-6071(fax)

----- Forwarded by Carol Campbell/R8/USEPA/US on 12/02/2010 08:13 AM -----

From: Victor Ketellapper/R8/USEPA/US  
To: "Ms. Carol Campbell" <Campbell.Carol@epamail.epa.gov>, "Bill Murray" <Murray.Bill@epamail.epa.gov>, "Steve Wharton" <Wharton.Steve@epamail.epa.gov>  
Date: 12/01/2010 04:34 PM  
Subject: Fw: Response to 10/27/2010 email

**From:** DC Orr [xcav8orr@hotmail.com]

**Sent:** 12/01/2010 11:25 AM MST

**To:** Sonya Pennock; Group ADR; Linda Armer; <barbdesch@gmail.com>; <bigskylawyer@yahoo.com>; Bill Bischoff <billb@libby.org>; binky <binky@cityoflibby.com>; <bpatt@sjlh.com>; <brad@libbyasbestos.org>; <catharine\_ransom@baucus.senate.gov>; Mike Cirian; <clecours@mt.gov>; William Cody; Eileen Collins; <dthersman@hotmail.com>; Doug Roll <dproll@yahoo.com>; Duane Williams <klcb@frontiernet.net>; Sean Earle; <emack@lockelord.com>; <eric.bierwagen@mail.house.gov>; Elisabeth Evans; Libby Faulk; <filmwest@gmail.com>; <gordsull@yahoo.com>; Lawrence Grandison; <gs56b555@aol.com>; <heatheramcdougall@yahoo.com>; <jbenhd1@hotmail.com>; <jenniferkevin@yahoo.com>; <jhoffman@doneylaw.com>; <jim.hammons@cityoflibby.com>; Victor Ketellapper; Kirby Campbell-Rierson <kirby\_campbell-rierson@baucus.senate.gov>; <larry.anderson@mail.house.gov>; <lauralobo@montanasky.net>; <lcatty@libby.org>; Lee Bothman <theprintingpress@gmail.com>; Andy Lensink; Freya Margand; <mcnoble1151@gmail.com>; <mgiesey\_card@hotmail.com>; <montmac@frontiernet.net>; Bill Murray; <mvolesky@mt.gov>; <news@montanian.com>; <parkers257@yahoo.com>; Peggy Williams <flourgardener@yahoo.com>; <perquiaga@eaglesvoice.com>; <rcarter@windjammercable.net>; <redeemedelectron@frontiernet.net>; Rebecca Thomas; <rhymesa@cbsnews.com>; <robinsdesk@yahoo.com>; <rodriguez-newstroml@cdm.com>; <ropper@mt.gov>; <rpayne@doneylaw.com>; <rsloan@mt.gov>; David Schachterle; <sd4@libby.k12.mt.us>; <srailey@lockelord.com>; suzy rios <five\_rivers@ymail.com>; Terry Spear <tspear@mtech.edu>; Tony Berget <tberget@libby.org>; <u1st99@yahoo.com>; vicky lawrence <montanavicky@gmail.com>; Virginia Sloan <virginia\_sloan@tester.senate.gov>; Steve Wharton

**Subject:** RE: Response to 10/27/2010 email

Ms Pennock;

You have titled this email stream as "RE: Response to 10/27/2010 email" yet you seem totally lacking in knowledge of that email. You claim your responses are vetted by the entire Region 8 Administration, yet your emails are coming rapid fire with no time to consult your team. I will attempt again to get an actual response to my question of who changed the unit rate.

I have attached the original documents that raised my one, single question: who changed the unit rate?

You will see in the third box that there are headings for Materials, Quantity, Unit, Rate, and Total.

Quantity Units are for Cubic Yardage. From Scan 0002 to Scan 0003 the Quantity changes from 6897 to 7587. This is a 10% change and reflects the initial errors in converting "inplace" quantities to "loose" quantities having been corrected by EPA. You have stated that "loose cubic yardage" and "tonnage" have the same unit costs.

My question, since first viewing these documents on October 4, 2010, the question I asked in my email of 10/27/2010, was and remains thus; Who changed the unit rate?.

The UNIT has always been Cubic Yards. The RATE changes.

In Scan 0002, the Rate is \$24.25/CY.

In Scan 0003, the Rate is \$47.53/CY.

Who changed the Unit Rate?

I ask this question because the change in Unit Rate added a huge dollar amount to the estimate but did absolutely nothing to ensure protection of human health on OU-1. I am concerned that the flow of money is affecting the protection of human health in Libby. This exchange, hidden from the Council, would seem to prove my theory.

Who changed the Unit Rate?

Sincerely, DC Orr

> Subject: RE: Response to 10/27/2010 email  
> To: xcav8orr@hotmail.com  
> From: Pennock.Sonya@epamail.epa.gov  
> Date: Wed, 1 Dec 2010 10:05:16 -0700  
>  
> I'll try again. Which unit price are you suggesting was changed (price  
> for top soil or common fill; cost per ton, per bank cubic yard or per  
> loose cubic yard)? In which documents are you comparing unit prices?  
>  
> All unit prices in our documents/submittals are estimates and reflect  
> what EPA is currently paying for materials associated with residential  
> cleanups.  
>  
>  
>  
>  
> Sonya Pennock  
> Office of Communications & Public Involvement  
> US/EPA Region 8  
> 1595 Wynkoop Street

> Denver, CO 80202-1129  
> Phone: 303-312-6600  
>  
>  
>  
>  
> From: DC Orr <xcav8orr@hotmail.com>  
> To: Sonya Pennock/R8/USEPA/US@EPA  
> Date: 12/01/2010 09:21 AM  
> Subject: RE: Response to 10/27/2010 email  
>  
>  
>  
> Ms. Pennock;  
>  
> This isn't that complicated. Who changed the unit rates on the  
> topsoil? If EPA knows who changed the unit rate, EPA should say so. I  
> will resend the 10-27 email.  
> DC Orr  
>  
>  
> > Subject: RE: Response to 10/27/2010 email  
> > To: xcav8orr@hotmail.com  
> > From: Pennock.Sonya@epamail.epa.gov  
> > Date: Wed, 1 Dec 2010 09:08:47 -0700  
> >  
> > Maybe I misunderstood your email. Are you asking who at EPA made the  
> > cost adjustment once the error was corrected?  
> >  
> >  
> > Sonya Pennock  
> > Office of Communications & Public Involvement  
> > US/EPA Region 8  
> > 1595 Wynkoop Street  
> > Denver, CO 80202-1129  
> > Phone: 303-312-6600  
> >  
> >  
> >  
> >  
> > From: DC Orr <xcav8orr@hotmail.com>  
> > To: Sonya Pennock/R8/USEPA/US@EPA, <barbdesch@gmail.com>, Bill  
> > Bischoff <billb@libby.org>, Doug Roll <dproll@yahoo.com>,  
> > Sean Earle/R4/USEPA/US@EPA, <heatheramcdougall@yahoo.com>,  
> > <jim.hammons@cityoflibby.com>, Peggy Williams  
> > <flourgardener@yahoo.com>, Rebecca Thomas/R8/USEPA/US@EPA,  
> > <robinsdesk@yahoo.com>, <rpayne@doneylaw.com>, vicky  
> > lawrence <montanavicky@gmail.com>  
> > Date: 12/01/2010 08:46 AM  
> > Subject: RE: Response to 10/27/2010 email  
> >  
> >  
> >  
> > Ms. Pennock;

> >  
> > If you look at my 10-27 email you will see that I asked one simple  
> > question. Who changed the unit rates?  
> > EPA had already corrected the material quantities. My concern was the  
> > unit rates for those materials. I don't see anything in that email  
> that  
> > suggests wrong-doing on EPA staff members part. I asked who changed  
> the  
> > unit rate in an official document delivered to Council. A question is  
> > not an accusation. That type of paranoia is hindering our  
> > communications.  
> > There were three parties in this negotiation. If Ms. Thomas did not  
> > change the unit rate, she should say so. There is no criminal behavior  
> > if she did not change the unit rate and thus no reason for me to take  
> it  
> > to the OIG. If she publicly proclaims she did not change the unit rate,  
> I  
> > can move on to the next question. You are hindering my ability to  
> access  
> > the information I need to make decisions on this site.  
> > I'm afraid you have, once again, avoided my question. Did Ms. Thomas  
> > change the unit rate?  
> > Mayor Roll and Mr. Noble claim they don't know who changed the unit  
> > rate. They may not be telling the truth, but they have said so on the  
> > record in a public, recorded meeting. Ms. Thomas should actually  
> respond  
> > to the question like they did. Avoiding the question harms Ms. Thomas'  
> > credibility.  
> > Who changed the unit rate?  
> > Sincerely, DC Orr  
> >  
> >  
> > > Subject: Response to 10/27/2010 email  
> > > To: xcav8orr@hotmail.com  
> > > From: Pennock.Sonya@epamail.epa.gov  
> > > Date: Wed, 1 Dec 2010 07:37:13 -0700  
> > >  
> > >  
> > > I was out of the office on vacation until 11/15/10 - hence the delay  
> > in  
> > > our response to your email.  
> > >  
> > > The estimated cost of topsoil for the Libby Asbestos OU1 remedial  
> > action  
> > > (based on current costs for the Libby Asbestos project) is about \$34  
> > per  
> > > ton. The cost per ton and per loose cubic yard is the same. EPA made  
> > > an error in converting bank (in place) cubic yards to loose cubic  
> > yards.  
> > > This error has been corrected and accurate volumes and cost  
> estimates  
> > > will be reflected in the comprehensive design package to be  
> discussed  
> > > with City Council in mid-December.

> > >  
> > > In addition, your email suggested that you believed that there had  
> > been  
> > > wrong-doing on the part of EPA staff in this matter. Please refer  
> any  
> > > concerns about criminal behavior to the Inspector General.  
> > >  
> > >  
> > > Sonya Pennock  
> > > Office of Communications & Public Involvement  
> > > US/EPA Region 8  
> > > 1595 Wynkoop Street  
> > > Denver, CO 80202-1129  
> > > Phone: 303-312-6600  
> > >  
> >



> scan0002.jpg scan0003.jpg

## AREA 1 (A1-3) TOPSOIL RESTORATION

Labor	Quantity	Days	Hours	Rate	Total
Operator	2	9	10	\$ 57.60	\$ 10,368.00
Laborer	3	9	10	\$ 47.12	\$ 12,722.40
Total Labor Cost				\$	23,090.40

Equipment	Quantity	Days	Rate	Total
Skidsteer	2	9	\$ 84.40	\$ 1,519.20
Pickup	2	9	\$ 60.96	\$ 1,097.26
Total Equipment Cost			\$	2,616.46

Materials	Quantity	Unit	Rate	Total
Topsoil	* 6897	CY	\$ 24.25	\$ 167,252.25
Hydroseed	372476	SF	\$ 0.13	\$ 48,421.88
Fuel	9	Day	\$ 383.25	\$ 3,449.25
Total Material Cost			\$	219,123.38

376,906.<sup>99</sup> ~~375,035.86~~ 425,979.13

9656 - LOOSE  
299,329  
TOPSOIL = 6897 CY IN PLACE  
8620 CY<sup>2</sup> LOOSE - CONVERT TO  
TO TONS - 8620 x 1.4 =  
12,068 TONS

12,068 TON OF T-SOIL  
DELIVERED = 374,108<sup>00</sup>  
x 31<sup>00</sup>

## SPUR REPLACEMENT COST

Labor	Quantity	Days	Hours	Rate	Total
Operator	2	5	10	\$ 57.60	\$ 5,760.00
Laborer	1	5	10	\$ 47.12	\$ 2,356.00
Total Labor Cost				\$	8,116.00

Equipment	Quantity	Days	Rate	Total
Skidsteer	2	5	\$ 84.40	\$ 844.00
Pickup	1	5	\$ 60.96	\$ 304.79
Total Equipment Cost			\$	1,148.79

Materials	Quantity	Unit	Rate	Total
Crushed Gravel 3/4"	* 1283	CY	\$ 4.75	\$ 6,091.18
Asphalt	4009	SF	\$ 4.00	\$ 16,036.00
Total Material Cost			\$	22,127.18

A1-3 - TOPSOIL COST	\$ 244,830.24
SPUR ROAD COST	\$ 31,391.97

TOTAL COST	\$ 276,222.21
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378,032.<sup>15</sup> \$504,689.<sup>28</sup>  
\$431,059.<sup>07</sup>  
499,439

\* GRAVEL = 1283 CY IN PLACE  
1603.75 CY LOOSE - CONVERT  
TO TONS - 1603.75 x 1.4 =  
2245.25 TONS  
2245.25 TONS<sup>10</sup> OF COMPACTION  
DELIVERED = 22,452.50<sup>00</sup>  
\* 150 LF OF W-BRAN  
Guard Rail AT 35<sup>00</sup>/FT INSTALL  
\$ 5250<sup>00</sup>  
\$23,352

### AREA 1 (A1-3) TOPSOIL RESTORATION

Labor	Quantity	Days	Hours	Rate	Total
Operator	2	9	10	\$ 57.60	\$ 10,368.00
Laborer	3	9	10	\$ 47.12	\$ 12,722.40
Total Labor Cost				\$	23,090.40

Equipment	Quantity	Days	Rate	Total
Skidsteer	2	10	\$ 84.40	\$ 1,688.00
Pickup	2	10	\$ 60.96	\$ 1,219.17
Total Equipment Cost			\$	2,907.17

Materials	Quantity	Unit	Rate	Total
Topsoil	7587	CY	\$ 47.53	\$ 360,610.11
Hydroseed	372476	SF	\$ 0.13	\$ 48,421.88
Fuel	9	Day	\$ 383.25	\$ 3,449.25
Total Material Cost			\$	412,481.24

### SPUR REPLACEMENT COST

Labor	Quantity	Days	Hours	Rate	Total
Operator	2	5	10	\$ 57.60	\$ 5,760.00
Laborer	1	5	10	\$ 47.12	\$ 2,356.00
Total Labor Cost				\$	8,116.00

Equipment	Quantity	Days	Rate	Total
Skidsteer	2	5	\$ 84.40	\$ 844.00
Pickup	1	5	\$ 60.96	\$ 304.79
Total Equipment Cost			\$	1,148.79

Materials	Quantity	Unit	Rate	Total
Crushed Gravel - 3/4"	1411	CY	\$ 9.31	\$ 13,136.41
Asphalt	4009	SF	\$ 4.00	\$ 16,036.00
Total Material Cost			\$	29,172.41

A1-3 - TOPSOIL COST	\$ 438,478.81
SPUR ROAD COST	\$ 38,437.20

TOTAL COST	\$ 476,916.02
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